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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6
7 DEANDRE NORRA,

8 Petitioner,

No. C 12-0022 PJH (PR)

9 vs.

**ORDER DISMISSING CASE;
INSTRUCTIONS TO CLERK**

10 THE PEOPLE,

11 Respondent.
12 _____ /

13 This case was opened when petitioner, a state prisoner, filed a document on the
14 court's form for habeas petitions. Petitioner has an earlier habeas case pending in this
15 court, number C 11-4322 PJH (PR). That case was opened on August 31, 2011, when
16 petitioner filed a motion for stay and abeyance, saying that he had habeas issues he
17 wished to exhaust in state court. The clerk sent him a notice that he had not filed a petition
18 and should do so within thirty days to avoid dismissal; on September 14, 2011, he filed a
19 petition on the court's form. That petition was dismissed with leave to amend because
20 petitioner had not listed any grounds for relief. Petitioner also filed a later habeas case,
21 number C 11-4863 PJH (PR), which was dismissed as second or successive to C 11-4322
22 PJH (PR), the court saying that petitioner should raise all of his claims in C 11-4322 PJH
23 (PR).

24 The present petition is directed to the same conviction that is in issue in C 11-4322
25 PJH (PR), and it is apparent from a cover letter that, rather than being an attempt to file a
26 new case, the petition is the amended petition due in C 11-4322 PJH (PR). In C 11-4322
27 PJH (PR), petitioner was instructed to put the case number on the amended petition, and
28 the words "Amended Petition" on the first page, but when he filed this petition he did not do

1 so, with the result that the amended petition was mistaken for an attempt to open a new
2 case.

3 This case is **DISMISSED** as opened in error. No fee is due. The clerk shall docket
4 an electronic copy of the petition in C 11-4322 PJH (PR), describing it as an amended
5 petition and giving it a filing date of January 4, 2012.

6 **IT IS SO ORDERED.**

7 Dated: January 18, 2012.



PHYLLIS J. HAMILTON
United States District Judge